



Entered on Docket
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN THE LA HACIENDA
ESTATE, LLC LOAN**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “First Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in the La Hacienda Estate, LLC Loan”, [Docket
3 No. 7306] (the “Objection”); with appropriate notice of the Objection having been given;
4 no response to the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained; and
7 2. The claims listed in **Exhibit A** are disallowed in their entirety.

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9
10 **LEWIS AND ROCA LLP**

11 By /s/ Marvin Ruth (#10979)
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the La Hacienda Estate, LLC Loan
10725-00280	Harold & Beverly Willard 1980 Trust Dtd 12/18/80	Harold & Beverly Willard Ttees 400 Bavarian Dr Carson City, NV 89705-7008	50,000.00	50,000.00
10725-00481	Leslie & Linda Harkins	Ttees Of The Harkins 2001 Revokable Trsut 8/23/01 2050 Longley Ln Apt 2008 Reno, NV 89502 5360 Balazza Court Reno, NV 89519	50,000.00	50,000.00
10725-00612	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Ttees 2050 Longley Ln Apt 2008 Reno, NV 89502 5360 Balazza Court Reno, NV 89519	50,000.00	50,000.00
10725-00786	Pereos Ira, C Nicholas	1610 Meadow Wood Ln Reno, NV 89502-6510	50,000.00	50,000.00
10725-01020	Yonai Trustee, Gregory D	1982 Country Cove Ct Las Vegas, NV 89135-1552	54,500.00	54,500.00
10725-01139	William R & Cynthia J Godfrey Living Trust 2005	Willim R Godfrey And Cynthia J Godfrey Ttees 7250 Birkland Court Las Vegas, NV 89117	50,000.00	50,000.00
10725-01443	Chiappe Family Trust Dtd 1/22/96	C/O Elio A & Geraldine N Chiappe Ttees Po Box 7288 Carmel, CA 93921-7288	50,000.00	50,000.00
10725-02076	Brock, Penny	355 Mugo Pine Cir Reno, NV 89511	50,000.00	50,000.00
10728-00074	Sondra Skipworth Revocable Trust Dtd 11/28/01	C/O Sondra Skipworth Trustee 3033 Via Venezia Henderson, NV 89052-3807	100,000.00	100,000.00

EXHIBIT A